REMARKS

Claims 1-45 are pending in the application. Applicant respectfully requests reconsideration of the Application in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Goshey et al., U.S. Patent No. 6,205,527 (Goshey) in view of Fletcher et al., U.S. Patent No. 6,009,274 (Fletcher). Applicant respectfully traverses this rejection for the following reasons.

With respect to claims 1-37, Applicant maintains that Goshey and Fletcher fail to teach or suggest the restore medium claimed. There exists no reason, suggestion, or motivation from the prior art for modifying the teaching Goshey or Fletcher to provide the restore medium of the presently claimed invention as required by MPEP § 2141. In responding to Applicant's arguments, the Patent Office states that "Goshey does teach using a network interface in order to download data, from a network storage medium over a network, to a computer . . . as well as the need to update software and drivers that have been restored in a computer system." Applicant respectfully disagrees. Goshey, in column 1, line 59 through column 2, line 6, provides that

> [a]lthough the restoration of failed storage devices can sometimes be a trivial process when only a minor number of programs are re-installed onto the failed computer system, most of today's computer systems use a wide number of programs, each requiring custom installation for proper operation. Furthermore, because most computer users purchase, update and modify computer programs over the Internet, it is often impossible to reconstruct the original state of all programs, patches or executables that are loaded onto a computer without keeping detailed logs of where each component was acquired. As a result, when attempts to reconstruct a user's computer system are attempted, many of the originally installed software programs or components may not be installed because they are no longer available or supported by the original supplier.

Thus, Goshey teaches only that "most computer users purchase, update and modify computer programs over the Internet" prior to a failure requiring restoration and that "when attempts to reconstruct a user's computer system are attempted, many of the originally installed software programs or components may not be installed because they are no longer available or supported by the original supplier." Goshey nowhere teaches the "need to update software and drivers that have been restored in a computer system" as suggested. Moreover, Goshey in column 27, lines 35-40 provides, in its general description of a computer, that

> [t]he network interface 812 is used to send and receive data
> over a network connected to other computer systems. An
> interface card or similar device and appropriate software
> implemented by the microprocessor 816 can be used to
> connect the computer system 800 to an existing network
> and transfer data according to standard protocols.

Thus, Goshey merely teaches a network interface for connecting the computer to a network for transferring data. Goshey nowhere specifically teaches "using a network interface in order to download data, from a network storage medium over a network, to a computer" as suggested. Consequently, contrary to the Patent Office's assertions, Goshey fails to disclose, teach or suggest the need to update software and drivers after restoration.

As stated by the Patent Office, the motivation for combining Goshey with Fletcher is "that when installing application on a computer system, it is advantageous to update the software with the newest drivers and updates available, to prevent flaws in the software from causing further damage." Applicant submits that this motivation is provided by Applicant's specification, not the cited references. As previously argued, Goshey teaches an intelligent backup system for backing up selected data from a host computer's main storage drive to prevent loss of data or user productivity using a peripheral storage device connected to the computer system. Goshey does recognize that the configuration of software and drivers does change from the original configuration installed. However, Goshey attempts to compensate for these changes in configuration by storing as many of the changes to the configuration to the restoration medium as possible prior to failure. Goshey does not discuss initiating a connection with a network

storage medium over a network, and thus provides no motivation for such a connection. Fletcher, on the other hand, teaches a method and apparatus for automatically updating software components in one or more agents (end system) in a network. Fletcher does not address the use of a restore medium and thus provides no motivation for providing a restore medium. Moreover, as noted by the Examiner, "Fletcher does not explicitly teach a program of instruction for connection with a network. . . ." Thus, Fletcher nowhere teaches loading such a program of instructions from a removable restore medium. Consequently, neither Goshey nor Fletcher may be relied upon to furnish motivation for their modification or combination as suggested by the Examiner. As a result, Applicant maintains that the Patent Office has impermissibly relied upon Applicant's specification for motivation currently of record for combination these references to provide a restore medium having a set of instructions for initiating connection to a network storage medium for restoring an information handling system. Accordingly, Applicant again submits that *prima facie* obviousness of claims 1-37 has not been established. Withdrawal of the rejections of these claims under 35 U.S.C. § 103 is therefore respectfully requested.

With respect to claims 38-45, neither Goshey nor Fletcher, either alone or in combination, disclose, teach or suggest a method of restoring an information handling system suffering a loss of function, comprising receiving the restore medium in a drive of the information handling system; accessing a restore medium received within the drive; loading a first set of software components from the restore medium, the first set of software components for restoring the information handling system to an operational status; loading a program of instructions from the restore medium for causing the information appliance to initiate a connection with a network storage medium via a network; receiving a second set of software components from the network storage medium via the network connection; and loading the second set of software components for returning the information handling system to a restored state wherein the second set of software components is updated in comparison with software components installed on the information appliance prior to the loss of function as claimed in new independent claim 38.

As noted by the Patent Office, Goshey fails to teach "loading a program of instruction from the restore medium capable of causing the information appliance to initiate a connection with a network storage medium via a network." Fletcher fails to make up for this defect in Goshey, since as also noted by the Examiner, "Fletcher does not explicitly teach a program of instruction for connection with a network. . . . ." Nevertheless, the Examiner argues that because connection to the network is done via a computer, "there must exist a program of instructions that initiate the connection to the network storage medium." However, even accepting this argument as true, Fletcher at most teaches that the program of instructions exists in the computer's memory and thus still fails to teach or suggest the claimed step of <u>loading the program of instructions from the restore medium</u>. Consequently, neither Goshey nor Fletcher teach or suggest the method of restoring an information handling system suffering a loss of function as presently claimed in claims 38-45, and it is respectfully submitted that *prima facie* obviousness of claims 38-45 has not been established. Withdrawal of the rejections of these claims under 35 U.S.C. § 103 is therefore respectfully requested.
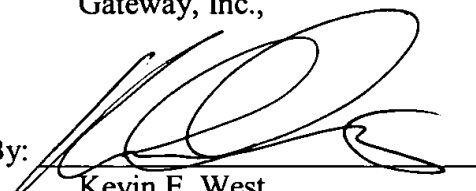
CONCLUSION

The application is respectfully submitted to be in condition for allowance of all claims. Accordingly, notification to that effect is earnestly solicited.

Respectfully submitted,
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